IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 6705 of 1999

Between:

1. APSRTC, rep. by its Managing Director, Mushirabad,

Hyderabad.

2. APSRTC, rep. by its Regional Manager, Rajahmundry,

East Godavari District.

... PETITIONERS

AND

1. State Transport Appellate Tribunal,

A.P., Hyderabad, rep. by its Presiding Officer.

2. The Regional Transport Authority,

East Godavari at Kakinada, rep. by its Secretary.

3. G. Lakshmana Rao,

S/o.Rama Murthy,

D.No.17-27-4,

Vadatavari Street,

Dowleswaram, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, especially in the nature of a writ of Certiorari, calling for the records relating to the impugned order dated 17-09-1998 made in A.P.No.624/97, State Transport Appellate Tribunal, A.P., Hyderabad setting aside the order in R.No.42664/A1/95, dt.11-03-1997 of the Regional Transport Authority, East Godavari District at Kakinada, and directing issue of permit to 3rd respondent on the so-called town service permit on the route, Anandnagar to Rajahmundry Railway Station; and quash the same as being illegal, without jurisdiction and invalid, and pass such other and further orders to meet the ends of justice.

For the Petitioner:.K.HARINATH, S.C. for APSRTC.

For the Respondent No 1 and 2: GP FOR TRANSPORT.

For the Respondent No.3 : None appeared.

The Court Made the Following Order:

W.P.NO.6705 OF 1999

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ORDER:

The application of the 3rd respondent for grant of town service stage carriage permit from Anandnagar to Rajahmundry Railway Station (via) A.P.Paper Mills, Seethampeta Sivajyothi Theatre, G.B.Stand, Janpeta, Deluxe Centre and Kotipalli Bus Stand was rejected by the 2nd respondent- Regional Transport Authority in its meeting on 11-03-1997. Aggrieved by the same, 3rd respondent filed an appeal before the State Transport Appellate Tribunal, which was allowed basing on the judgment of this Court in W.P.No.18066 of 1997 dated 04-12-1997 that the notified route in G.O.Ms.No.761 of 1995 is for a distance of 8 kilometers only upto Kotipalli Bus stand, and not beyond. Therefore 0.2 kilometers between Kotipalli Bus stand and Delux Centre is not covered by G.O.Ms.No.761/75, and accordingly set aside the order passed by the State Transport Authority with a direction to issue stage carriage permit as town service.

This Court in W.P.No.11419 of 1999 dated 14-06-2004, held as under:

> "This Court in **APSRTC, Musheerabad, Hyderabad V. State Transport Appellate Tribunal, Hyderabad** categorically held that unless the route is formulated as contemplated under Section 68(3) (ca) of the Act, no permit can be granted by the Regional Transport Authority. The said judgment was affirmed by a Division Bench of this Court in **N.Swarnalatha V. Managing Director, APSRTC, Hyderabad .**
>
> Having regard to the fact that unless the route is formulated by the Government under Section 68(3) (ca) of the Act, the Regional Transport Authority will not get jurisdiction to consider the application and in view of the above judgments, as the order passed by the first respondent suffers from legal infirmities, the same cannot be sustained. Accordingly, the Writ Petition is allowed and the impugned order is set aside. No costs".

Though respondents were served with notices, none represents.

In view of the above said order, the order passed by the State Transport Appellate Tribunal in A.P.No.624/97 cannot be sustainable. Accordingly, the Writ Petition is allowed and the impugned order is set aside. No costs.

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(A. GOPAL REDDY, J)

JUNE 28, 2004

MRR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the twenty-eighth day of June Two thousand and four.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

COPY TO:

1. The Presiding Officer, State Transport Appellate Tribunal,

A.P., Hyderabad.

2. The Secretary, Regional Transport Authority,

East Godavari at Kakinada,

3. Two C.C.s to the G.P. for Transport, High Court Buildings, Hyderabad

4. Two C.D. Copies.